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INFO RUCPDO/DEPT OF COMMERCE WASHDC PRIORITY
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RUCNCIS/CIS COLLECTIVE
RUCNMEM/EU MEMBER STATES COLLECTIVE
RUEHAK/AMEMBASSY ANKARA 5191
RUEHBJ/AMEMBASSY BEIJING 2935
RUEHKO/AMEMBASSY TOKYO 2800
RUEHIT/AMCONSUL ISTANBUL 3435
RUCNDT/USMISSION USUN NEW YORK 1001
RHMFIUU/CDR USCENCOM MACDILL AFB FL
RUEHVEN/USMISSION USOSCE 3551
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
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RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC

UNCLAS SECTION 01 OF 02 ASHGABAT 000611

SENSITIVE

SIPDIS

STATE FOR SCA/CEN

E.O. 12958: N/A

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SUBJECT: TURKMENISTAN ADOPTS A NEW LABOR CODE

11. (U) SUMMARY: President Berdimuhamedow signed a new Labor Code to bring provisions of Turkmenistan's labor legislation into compliance with international norms and practices of the International Labor Organization, which Turkmenistan joined in 1993. The new Labor Code provides legal norms for employers and employees, and offers a mechanism for their enforcement. It will come into force on July 1. END SUMMARY.

NEW FEATURES OF THE LABOR CODE

12. (U) The objectives of the law, as stated in Article 1, are "to establish state guarantees to protect the labor rights of Turkmen citizens, create favorable labor conditions, and protect the rights and interests of both employees and employers." The new labor code guarantees job security, protects workers' rights, extends the duration of annual leave, regulates employment by companies and religious organizations, and codifies prescribed time off when official holidays fall on Sunday.

RESTRICTION OF SHORT-TERM CONTRACTS TO GUARANTEE JOB SECURITY

13. (U) The law will limit the use of short-term contracts in the public sector to certain categories of civil servants, while all others have to be offered permanent posts. If a state body responsible for overseeing the enforcement of the labor code finds out that a short-term contract was concluded without any legal justification for short-term employment, then the employment term automatically becomes permanent.

PROTECTION OF WORKER'S RIGHTS

14. (SBU) The law promotes the role of trade unions in protecting employees' rights. The Labor Code requires that an employer sign a "collective agreement" with its employees, in which an employer and employees agree on their rights and responsibilities. The agreement allows trade unions to protect employees' rights if an employer does not observe employees' rights stipulated in the agreement. The new labor law promotes the role of trade unions in protecting an employee's rights: an approval of a trade union is mandatory for a dismissal. (COMMENT: Prior to this, we assumed that Turkmenistan's

trade unions - such as they are - were dormant entities that played no real role. END COMMENT.)

EXTRA PAID LEAVES FOR CERTAIN CATEGORIES OF WORKERS

15. (U) Under the new Labor Code annual leave will increase from 24 days to 30 days. Teachers will be entitled to 45 days annual leave. Scientists with a doctoral degree holding posts in research institutions also will be entitled to the same duration of the annual leave. Doctoral candidates will be entitled to 36 calendar days of the annual leave. Scientists will be provided three-month paid leave for completion of a master's dissertation, and six-month paid leave for completion of doctoral dissertation. A ten-day additional paid leave will be provided for newlyweds and their parents for preparation of weddings, and to close relatives of the deceased to carry out funeral rites and commemoration ceremonies. Turkmen citizens who turn 62 will be entitled to an additional three days of paid leave.

EMPLOYMENT BY COMPANIES AND RELIGIOUS ORGANIZATIONS

16. (U) The law requires that an employer register an employee's contract at the local tax office and pay social insurance for the employee according to the laws of Turkmenistan. An employment contract can be signed between a religious organization registered in Turkmenistan and an individual 18 years of age or older. The Labor Code specified that the work week should be a maximum of 40 hours, and paid annual leave should not be less than 30 calendar days.

NEW PROVISION FOR HOLIDAY DAY-OFFS

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17. (U) The new labor code prescribes that if an official holiday falls on Sunday, then Monday is a non-working day.

18. (SBU) COMMENT: Local residents welcomed the new labor legislation to limit the widespread practice of hiring employees on short-term contracts that leave them vulnerable to summary dismissal. The law should provide job security for many who have gone for years with no permanent contract. END COMMENT.

MILES